

REMARKS

Claims 1-19 remain in the application. Claim 13 has been amended in the present Amendment. No new matter has been added.

Claims 11-14 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which application regards as the invention.

Claim 13 has been amended to claim the at least one bifunctional chain extender more specifically as a bifunctional alcohol. Support for this amendment is found in Paragraph [0033] of the application as published. As is readily known in the art, such bifunctional alcohols are monomeric in nature and are, therefore, distinguishable from a polyol (polyesterol or polyetherol). As is also readily known in the relevant art, a polyol is a polymer, or a polymerized product, that has hydroxyl functionality and is not monomeric whatsoever. It is respectfully submitted that component bv) is now mutually exclusive from components biii) or biv) because component bv) is an alcohol, which is a monomer, and not a polyol regardless of any overlap in functionality and/or molecular weight. As a result, the § 112, second paragraph, rejection is overcome.

Claims 8-15 and 19 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Bartz et al. (United States Patent Application Publication No. 2001/0051261). The Applicant, once again, respectfully traverses.

The Examiner's contention is, essentially, that his position is that component b13) of Bartz et al. "encompasses" mixtures of such polyols. The Applicant respectfully asserts that

what a particular component of a particular prior art reference “encompasses” is not relevant. Instead, in the context of a rejection under statutory § 102, what is relevant is what a prior art reference discloses and not what a description encompasses or happens to cover. Such an analysis is more applicable when one is determining claim scope and not when one is considering what a *description* (not a claim) specifically discloses. The Examiner’s holding that component b13) of Bartz et al. includes mixtures is misplaced. In fact, the term “mixture” or “mixtures” is used approximately 15 times throughout the entirety of Bartz et al., yet it is never once used in the context of describing a mixture of polyols meeting the description of component b13) of Bartz et al. How can a reference even teach, let alone disclose, such mixtures without using words, other than a mere reference to a noun in its plural form, to describe such mixtures?

Furthermore, even if for argument’s sake one assumes that component b13) of Bartz et al. does happen to “encompass” mixtures, the Applicant’s arguments already on record (see the previous responses) relating to sufficient specificity are even more on point. To recap, and in accordance with the MPEP, when the ‘possibilities’ of Bartz et al. are taken in context and Bartz et al. is taken as a whole, i.e., as a reference in its entirety, it is clear that there is no specific teaching for the precise combination of polyether polyols bi) and bii) as the Applicants have claimed in claim 8. Once again, this fact is especially apparent when it is considered that element b13) of Bartz et al. is optional (from 0 to 30%), and also when reviewing Examples 1 and 2 which exemplify the disclosure of Bartz et al. Referring to Examples 1 and 2 of Bartz et al., there are no polyether polyols disclosed whatsoever. That is, in Examples 1 and 2, the

compact veneer of Bartz et al. is made strictly with Lupraphen® VP 9143 which is a polyester polyol not a polyether polyol. Simply stated, even if it is held that component b13) of Bartz et al. includes mixtures, this hypothetical mixture component of Bartz et al. does not disclose, with the required sufficient specificity, polyols that meet the polyether polyols bi) and bii) as claimed in the present application. The Examiner cannot simply ignore the other teachings throughout Bartz et al. Instead, this reference must be considered in its entirety.

For the reasons above, the Applicant once again contends that the § 102(b) rejection relying on Bartz et al. should be withdrawn as overcome.

It is respectfully submitted that the claims are in allowable form and that the application is now presented in condition for allowance, which allowance is respectfully solicited. The Commissioner is authorized to charge our deposit account no. 08-2789 for any additional fees or credit the account for any overpayment.

Respectfully submitted,

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September 20, 2007
Date

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